REMARKS

Rejection of claims 1-21 and 31 under 35 USC 112

The claims have been amended to remove the objectionable term "complex". Therefor, Examiner is respectfully requested to withdraw this rejection.

New Computer Program Claims More Clearly Define Invention

Claims 15-21 and 28-30 covering computer programs have been cancelled, and new claims have been substituted therefor. New claims 32-38 and 39-41 respectively correspond in scope to cancelled claims 15-21 and 28-30. Although, there has not as yet been any rejection of the cancelled computer program claims, the new claims 32-41 are submitted to more clearly and definitely define the computer programs of the invention.

The rejection of claims 1-6, 8-13, 22-27, 32-37, and 39-41 under 35 U.S.C. 103(a)

The rejection of claims 1-6, 8-13, 22-27, 32-37, and 39-41 under 35 U.S.C. 103(a) as being unpatentable over The Microsoft Project publication (hereinafter called Project)in view of Song et al. (US5,849,999) is respectfully traversed. It is submitted that while Project and Song may disclose some of the elements of the present invention, they do not either individually or in combination disclose all of the elements of the present invention. Also, the Examiner has proposed a combination of such elements which is not suggested either reference. The Examiner's proposed combination could only be made in the light of Applicants' own teaching. This is not an appropriate basis for an obviousness rejection under 35 U.S.C 103.

The present invention provides an implementation for simultaneously monitoring of the progress of product development distributed between a plurality of developmental lines in the development of complex computer software products so that the data relative to each line is readily available and communicated to the developers working on the other lines. Accordingly, the claims of the present invention cover the combination, in tracking the development of software products, of setting up and simultaneously displaying a sequence of checkpoints in each of a plurality of developmental lines, determining which checkpoints have been reached in each developmental line and then indicating the reached checkpoints on the simultaneously displayed developmental lines.

In considering the basic reference, the Project publication, it is an over 600 page text book. The Examiner has cited sections from the large publication. The Project text does provide a user with software tools for the management of business or manufacturing projects including scheduling, assignment of tasks, allocating resources, and even bench marking which for the purpose of this discussion will be considered as check pointing. The Examiner has picked general elements from the Project text book and proposed combining such general elements, not based upon any suggestion the Project text, but based primarily on Applicants' own teaching. Admittedly, there are probably enough tools and routines disclosed in the cited over 600 page Project text through the use of which the system of the invention could be built. However, Applicants submit that the cited Project text does not provide one skilled in the art with the specific guidance necessary to combine the diverse tools and routines in Project to develop Applicants' claimed invention.

<u>In this connection, please consider representative claim 1</u>

    1. A computer controlled display system for tracking the development of software products having a plurality of developmental lines comprising:
        means for setting <u>in each of said plurality of developmental lines</u>, a sequence of checkpoints;
        means for <u>tracking each</u> of said developmental lines <u>to determine the reached checkpoints</u>; and
        means for <u>simultaneously displaying said plurality of developmental lines</u> and indicating said reached checkpoints.

    Even if the teaching of the Project text is accorded the best interpretation as put forth by Examiner, this reference would still fail to disclose the underlined elements in claim 1 above related to the simultaneous display of sequences of checkpoints in a plurality of developmental lines.

    The Examiner admits this on page 4 of the Official Action but argues that the suggestion or motivation for simultaneously displayed lines may be found in Project, pp.125-126 and Fig. 5.1. It is submitted that what is shown here in Project is planning tool in which tasks may be organized into a hierarchy or tree for planning purposes. If the Examiner is arguing that nodes at the same level of the tree are the equivalent of simultaneous development lines, it is submitted that the suggestion is too vague and unspecific to lead one skilled in the art to the setting up and simultaneously displaying a sequence of checkpoints in each of a plurality of developmental lines, determining which checkpoints have been reached in each developmental line and then indicating the reached checkpoints on the simultaneously displayed developmental lines.

Song does not make up for the deficiencies of the basic
Project publication.

While Song is concerned with software development and
may permit user access to what may be considered
developmental lines, Song does not appear to be concerned
with a collective or simultaneous display of a plurality of
developmental lines each with indicated reached checkpoints.
Song is primarily concerned with software documentation i.e.
that the documentation at each stage meets the development
process requirements for that stage.

Song does not suggest setting in each of a plurality of
developmental lines a sequence of checkpoints. The Examiner
points to col 3, lines 57 and 58, and Fig. 3. This is a very
vague citation. It deals with a procedure for producing
software documents for a software development and testing
process. There is some very general statement about
defining procedures and documents required during the
project execution. It is submitted that such a vague and
general statement does not suggest the claimed element:
"setting in each of said plurality of developmental lines, a
sequence of checkpoints"

The Examiner also cites Fig. 3 in Song for this
teaching. Fig. 3 involves a very general description of a
progress panel showing the status of documentation of the
individual functions required to be documented at each of
several stages in the development of a single component.
Even if the listing of developmental lines in Fig. 3 of
Song: System Function...Measurement, Imaging, Filming would
be considered the equivalent of a plurality of developmental
lines, there is no simultaneous display of these
developmental lines. In Fig. 3 of Song there is only one
development line displayed i.e. status of Measurement.

Accordingly, it is submitted that even if the teaching of
Project could be modified by the teaching of Song as
suggested by Examiner, there still would be no teaching of
"<u>simultaneously displaying</u> said plurality of developmental
lines and <u>indicating said reached checkpoints</u>".

It is submitted that in the reading of the Project and
Song references with respect to the present invention, the
Examiner has picked and chosen and combined elements from
Project and Song not in the light of teachings from these
references but in the light of Applicants' own teaching.
Thus, it is submitted that Examiner's proposed combination
of selected elements and omitted elements in Project and
Song is being made not with the requisite foresight of one
skilled in the art, but rather with the hindsight obtained
solely by the teaching of the present invention. This
approach cannot be used to render Applicants' invention
unpatentable.

> "To imbue one of ordinary skill in the art
> with knowledge of the invention in suit, when no
> prior art references of record convey nor suggest
> that knowledge, is to fall victim to the insidious
> effect of a hindsight syndrome wherein that which
> only the inventor taught is used against its
> teacher." <u>W. L. Gore</u>, 721 F 2d at 1553, 220 USPQ,
> pp. 312-313.

> "One cannot use hindsight reconstruction to
> pick and choose among isolated disclosures in the
> prior art to deprecate the claimed invention." <u>In
> re Fine</u>, 5 USPQ 2d 1596 (C.A.F.C.) 1988.

Dependent claims 6, 13, and 37 are submitted to be
patentable over Song for all of the reasons set forth above
for the claims from which they depend. In addition, these
claims set forth an implementation that when modifying the

actions required of checkpoints, the modification may
include switching of the actions to others of said plurality
of developmental lines. For a teaching of this aspect of
the claimed invention, Examiner cites pages 473 and 311-312
of Project. It is submitted that, at best, all these
sections generally suggest is that particular individual
developmental lines may be tracked, modified, and have
resources allocated as needed. This disclosure of Project
in the development of an individual component is not
suggestive of switching actions from one development line to
another in the simultaneous display of a plurality of
developmental lines. The reason such switching in the
present invention may be interactively easily done is that
all of the plurality of lines are simultaneously displayed.
In both Song and Project, each of the developmental
components or lines is individually, not simultaneously
displayed with a description devoid of any suggestion that
attributes or actions may be switched to other undisplayed
developmental lines.

**The rejection of claims 7, 14, 31, and 38 as obvious over
Song et al. in view of Hopwood et al. (US6,223,343) under 35
U.S.C. 103(a) is also respectfully traversed.**

Claims 7, 14, 31, and 38 are submitted to be patentable
over Project in view of Song for all of the reasons set
forth above for the claims from which they depend. In
addition, these claims set forth an implementation that the
means for tracking are remote from the display on which the
plurality of product lines are displayed and the tracking
means communicate the tracked data to the display system
where the tracked data is stored. Since Song does not
disclose this, the Examiner goes to a combination with
Hopwood. In the data tracking and management system of

Hopwood, even if the data tracking could arguably be said to be remote from the display on which the data is shown, there appears to be no suggestion that the tracked data is stored in association with this display. In Hopwood, the data tracked remotely from the display appears to also be stored remotely from the display. Accordingly, it is submitted that Song even when combined with Hopwood still does not suggest the invention defined in claims 7, 14, 31, and 38.

In view of the foregoing, claims 1-14, 22-27, and 31-41 are submitted to be in condition for allowance and such allowance is respectfully requested.

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